

REMARKS

Claims 1-24 are pending. Reconsideration of the April 20, 2004, Office Action is respectfully requested.

Personal Interview

Applicants thank Examiner Nolan for the courtesies extended to Applicants' undersigned representative during the personal interview conducted on June 9, 2004. Applicants' separate record of the substance of the interview is incorporated in the following remarks.

Allowable Subject Matter

Applicants gratefully acknowledge that the Office Action indicates claims 3, 11, 16, 17 and 19 contain allowable subject matter. It is respectfully submitted, however, that the remaining pending claims also are patentable.

Rejection Under 35 U.S.C. §102

Claims 1, 2, 4, 5, 7, 9, 10, 12, 15, 18 and 20-24 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,456,957 to Jackson et al. ("Jackson"). The rejection is respectfully traversed.

Claim 1 recites "an article comprising a part comprising a rigid metal or thermoplastic element of elongate shape, at least one part of which has a cross section which has a profile defining a concave space, and comprising at least one part made of thermoplastic material associated with the rigid element and positioned in the concave space of the rigid element, wherein the part made of thermoplastic material ... has a cross section comprising at least one hollow" (emphasis added). That is, the claimed article comprises a rigid element, "at least one part of which has

a cross section which has a profile defining a concave space," and "at least one part made of thermoplastic material associated with the rigid element and positioned in the concave space of the rigid element" (emphasis added). Applicants respectfully submit that Jackson fails to anticipate the article recited in claim 1.

Jackson discloses automotive molding trim members and methods of molding the trim members. FIG. 5 of Jackson illustrates a molding trim member 10 including an outer layer 16' having a show surface 20' and a molded backing member 18'. A decorative surface 22 is attached to the show surface 20'. See, column 3, last line to column 4, line 5, of Jackson.

It is stated at page 4, first full paragraph, of the Office Action, that "[t]he coated, metallized outer layer 22 is more rigid than the show surface, so that the show surface 20 is a 'thermoplastic material associated with the rigid element and positioned in the concave space of the rigid element'". However, to the extent that the Office Action asserts the decorative member 22 is a "rigid element," as claimed, Jackson does not disclose that the decorative member 22 includes a "concave space," much less that the show surface 20 is positioned in such "concave space" of the decorative member 22. Thus, Jackson does not disclose "a part comprising a rigid metal or thermoplastic element of elongate shape, at least one part of which has a cross section which has a profile defining a concave space, and comprising at least one part made of thermoplastic material associated with the rigid element and positioned in the concave space of the rigid element" (emphasis added), as recited in claim 1.

Moreover, to the extent that the Office Action asserts that the show surface 20 is a "thermoplastic material," as claimed, Jackson does not disclose that the show surface 20 has "a cross section comprising at least one hollow."

Therefore, claim 1 is patentable over Jackson. Dependent claims 2, 4, 5, 7, 9, 10, 12, 15 and 18 are also patentable over Jackson for at least the same reasons as those stated regarding claim 1.

Independent claim 20 recites "a method for fabricating an article comprising at least one rigid metal or thermoplastic element a cross section of which has at least one part defining a concave space and comprising at least one element made of a molded thermoplastic material," which comprises, *inter alia*, "a) arranging, in an injection mold ..., a preformed rigid metal or thermoplastic element one cross section of which has at least one part defining a concave space"; "b) injecting molten thermoplastic material into the mold" and "c) injecting a fluid or a gas ... into the molten thermoplastic material present in the concave space of the rigid element" (emphasis added). According to the claimed method, molten thermoplastic material is injected into a mold in which is arranged the preformed rigid element, one cross section of which has at least one part defining a concave space, such that the molten thermoplastic material is present in the concave space of the rigid element. Applicants respectfully submit that Jackson fails to disclose the method recited in claim 20.

The Office Action states that "Jackson teaches that its show surface may be placed inside an injector and other materials molded onto it. Since the show surface contains the rigid element 18 (col. 3, lines 46-56), this preformed rigid thermoplastic element is present when the injection molding occurs." Applicants respectfully

disagree. To the extent that the Office Action asserts that Jackson's backing member 18 is a "rigid element," as claimed, Jackson fails to disclose the combination of features recited in claim 20, including at least "c) injecting a fluid or a gas ... into the molten thermoplastic material present in the concave space of the rigid element" (emphasis added). Therefore, Jackson the method recited in claim 20 also is patentable over Jackson.

Dependent claim 23 is also patentable over Jackson for at least the same reasons as those stated regarding claim 20.

Independent claim 21 recites "a method for fabricating an article comprising at least one rigid metal or thermoplastic element a cross section of which has at least one part defining a concave space and comprising at least one element made of a molded thermoplastic material," which comprises, *inter alia*, "a) arranging, in an injection mold ..., a rigid metal or thermoplastic element that is to be preformed, b) preforming the rigid element ..., the preform having a cross section which has at least one part defining a concave space, ... d) injecting a fluid or a gas ... into the molten thermoplastic material present in the concave space of the rigid element" (emphasis added). For reasons stated above, the method recited in claim 21 is also patentable over Jackson.

Dependent claim 24 is also patentable over Jackson for at least the same reasons as those stated regarding claim 21.

Therefore, withdrawal of the rejection over Jackson is respectfully requested.

Conclusion


Therefore, allowance of the application is respectfully requested. Should the Examiner wish to discuss this application, the undersigned attorney can be reached at the telephone number given below.

Respectfully submitted,

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